IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

WP(C).No. 11554 of 2007(A)

PETITIONER:

BINNY DEVASIA, AGED 44 YEARS,
W/O. DEVASIA, RESIDING AT PEZHATHUMOOTTIL,
AMBAKKATTUMOOLA, CHETTUPUZHA, PULLAZHI VILLAGE,
THRISSUR TALUK.

BY ADV. SRI.T.RAJASEKHARAN NAIR

RESPONDENTS:
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1. **THE STATE OF KERALA, REP. BY**
   ITS SECRETARY, HOME DEPARTMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE DIRECTOR GENERAL OF POLICE,**
   POLICE HEAD QUARTERS, THIRUVANANTHAPURAM.

3. **SUPERINTENDENT OF POLICE,**
   CBCID, THRISSUR.

4. **THE DIRECTOR,**
   CENTRAL BUREAU OF INVESTIGATION,
   OFFICE OF THE CBI, NEW DELHI.

BY GOVERNMENT PLEADER SRI.JIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.11554/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE FIR IN CRIME NO.504/05 GEGISTERED BYTHE PAVARATTY POLICE.

EXT.P2:- COPY OF THE POSTMORTEM CERTIFICATE ISSUEDBY THE DIRECTORATE OF MEDICAL EDUCATION DT. 6.12.05.

EXT.P3:- COPY OF THE COMPLAINT SUBMITTED BY THE NPETITIONER BEFORE THE 3RD RESPONDENT DT. 24.12.05.

EXT.P4:- COPY OF THE ONE OF THE NEWS ITEM, WHICH PUBLISHED IN DESABHIMANY DAILY.

EXT.P5:- COPY OF THE PUBLIC NOTICE ISSUED BY THE ACTION COUNCIL SEEKING HIGH LEVEL INVESTIGATION DT. NIL.

EXT.P6:- COPY OF THE NEWS ITEM, WHICH PUBLISHED IN MATHRUBHOOMI MALAYALAM DAILY DT. 19.1.06.

EXT.P7:- COPY OF THE REPORT PUBLISHED IN EXPRESS MALAYALAM DAILY DT. 16.2.06.

EXT.P8:- COPY OF THE REPORT PUBLISHED BY THE CHEMICAL EXAMINATION LABORATORY, THIRUVANANTHAPURAM DT. 12.6.06.

EXT.P9:- COPY OF THE JUDGMENT DT. 10.10.06 IN WP(C) NO.10032/06 PASSED BY THIS COURT.

EXT.P10:- COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DT. 15.2.07.

EXT.P11:- COPY OF THE NEWS PAPER REPORTR TO THAT EFFECT IS PUBLISHED IN MALAYALAM DAILY DT. 25.2.07.

EXT.P12:- COPY OF THE NEWS PAPER REPORT TO THAT EFFECT IS PUBLISHED BY THE MATHRUBHOOMI IN MALAYALAM DAILY DT. 27.2.07.

EXT.P13:- COPY OF THE REPORT TO THAT EFFECT WHICH HAS PUBLISHED IN MATHRUBHOOMI MALAYALAM DAILY DT. 4.3.07.

/TRUE COPY/

P.A. TO JUDGE

tss

R. BASANT, J.

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W.P.C.No. 11554 of 2007

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Dated this the 3rd day of June, 2007

O R D E R

The petitioner is aggrieved by the quality of investigation conducted by the C.B.C.I.D, who was entrusted with the investigation in this crime as per the direction issued by this Court in Ext.P9 order. The Investigator has come before the court and has filed a statement.

2. The learned Govt. Pleader submits and the Investigator asserts that the Investigator has not received sufficient time after Ext.P9 order to conduct a complete and exhaustive investigation. The investigation was actually handed over only on 12.12.2006 and this petition was filed on 2.4.2007. The learned G.P. submits that if reasonable further time is granted, a complete and exhaustive investigation can be conducted adverting to all relevant aspects and appropriate further statement shall be filed showing the outcome.

3. I am satisfied that this Writ Petition can be kept pending before this Court and the Investigator can be directed to continue with the investigation and file a detailed statement within a period of three months. Such report shall be filed by 3.10.07. Call again on

8.10.07. I need only mention that I expect the Investigating Officer to advert to the grievance raised by the petitioner in this petition as also in Ext.P10 complaint lodged by him and take appropriate action.

Hand over copy to the learned Govt. Pleader.

(R. BASANT)
Judge

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